

SENATE BILL No. 303

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-26-15.

Synopsis: Regional sewer district appeals board. Establishes an appeals board to hear appeals from regional sewer district board decisions and to make recommendations to the district board on those decisions.

Effective: July 1, 2004.

Meeks R

January 8, 2004, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 303

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-26-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]:

4 **Chapter 15. Sewer District Appeals Board**

5 **Sec. 1. This chapter applies to a regional sewer district.**

6 **Sec. 2. An appeals board is established for the district.**

7 **Sec. 3. The appeals board consists of the following:**

8 (1) A member of the county executive of a county that
9 contains territory in the district. The county executives of all
10 counties that contain territory in the district shall jointly
11 appoint the member under this subdivision.

12 (2) A member of the county fiscal body of a county that
13 contains territory in the district. The fiscal bodies of all
14 counties that contain territory in the district shall jointly
15 appoint the member under this subdivision.

16 (3) An individual who has knowledge of county planning
17 matters. The county executives of all counties that contain



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territory in the district shall jointly appoint the member under this subdivision.

(4) An individual employed by a county health department of a county that contains territory in the district. The county executives of all counties that contain territory in the district shall jointly appoint the member under this subdivision.

(5) A professional engineer who has knowledge of wastewater treatment matters. The county executives of all counties that contain territory in the district shall jointly appoint the member under this subdivision.

Sec. 4. (a) The term of an individual serving as a member of the appeals board begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) Except as provided in subsection (c), the term of a member expires January 1 of the fourth year after the member's current term begins.

(c) The terms of the members of the first appeals board appointed under section 3 of this chapter expire as follows:

(1) The term of the member appointed under section 3(1) of this chapter expires January 1 of the fourth year after the member's term begins.

(2) The term of the member appointed under section 3(2) of this chapter expires January 1 of the third year after the member's term begins.

(3) The term of the member appointed under section 3(3) of this chapter expires January 1 of the second year after the member's term begins.

(4) The term of the member appointed under section 3(4) of this chapter expires January 1 of the fourth year after the member's term begins.

(5) The term of the member appointed under section 3(5) of this chapter expires January 1 of the third year after the member's term begins.

(d) A member may be reappointed to the appeals board. A member reappointed to the appeals board is the member's own successor for purposes of subsection (a).

Sec. 5. (a) A vacancy on the appeals board shall be filled by the appointing authority that appointed the member whose position is vacant.

(b) An individual appointed to fill a vacancy on the appeals

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board serves for the remainder of the term of the member whom the individual is appointed to replace.

Sec. 6. An appeals board member is not entitled to payment for serving as a member but is entitled to be reimbursed for actual expenses incurred in serving as a member.

Sec. 7. (a) The district shall pay all expenses of the appeals board.

(b) The district shall provide all supplies and support services for the appeals board's operation.

Sec. 8. (a) During its final meeting of each year, the appeals board shall elect a member to be the chair.

(b) The member elected as chair serves as chair until the earlier of the following:

(1) The member's term as an appeals board member expires.

(2) The member's successor as chair is elected.

(c) A member who serves as chair may be reelected for successive terms.

(d) If the position of chair becomes vacant, the appeals board shall elect a remaining member as chair.

Sec. 9. The appeals board shall meet:

(1) at the call of the chair; or

(2) if the position of chair is vacant, upon the call of three (3) appeals board members.

Sec. 10. (a) Three (3) members of the appeals board constitute a quorum.

(b) The affirmative votes of three (3) appeals board members are required for the appeals board to take official action other than to do the following:

(1) Adjourn.

(2) Meet to hear reports or testimony.

Sec. 11. The appeals board:

(1) shall adopt rules of procedure; and

(2) may adopt other rules it considers appropriate.

Sec. 12. (a) This section does not apply to matters relating to an ordinance concerning sewer rates and charges subject to a district authority under IC 13-26-11-15.

(b) A person aggrieved by an action of the district board may not maintain an action in a court or an administrative body to challenge the action until after:

(1) the person files an appeal with the appeals board; and

(2) the appeals board makes a final determination on the matter.

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1 **Sec. 13. A person aggrieved by an action of the district board**
2 **must file an appeal as provided by the appeals board's rules.**

3 **Sec. 14. After concluding hearings on an appeal, the appeals**
4 **board may do any of the following:**

5 **(1) Affirm the district board's action.**

6 **(2) Recommend to the district board that its action be**
7 **modified or vacated.**

8 **Sec. 15. The aggrieved person may file an action with a court or**
9 **an administrative body that has jurisdiction to challenge the action**
10 **of the district board not earlier than forty-five (45) days after the**
11 **appeals board takes final action on the aggrieved person's appeal.**

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